

UNITED STATES DISTRICT COURT  
for the

## Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 38 Amended Offense Level: 37  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: 360 to Life months Amended Guideline Range: 360 to Life months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain): No reduction as the guideline range remains unchanged. The Application of Amendment 706 results in no change to the advisory guideline range since the defendant is a "Career Offender" under USSG §4B1.1.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 2, 1996, shall remain in effect.

IT IS SO ORDERED.

Order Date: July 27, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

Graham C. Bushell

Graham C. Mullen  
United States District Judge

